

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CASE NUMBER 5:16-CR-0058-XR
JOSEPH P. KARPOWICZ	§	
	§	

**DEFENDANT’S UNOPPOSED MOTION FOR CONTINUANCE OF
SENTENCING**

The Defendant, JOSEPH P. KARPOWICZ, by and through his attorney of record, Stephen N. Foster, hereby moves the Court for an order continuing sentencing in this case, which is set for November 16, 2016, and for finding of excludable time under the Speedy Trial Act as found in Title 18, United States Code, Sections 3161, et seq., for the reason, summarily stated, that the ends of justice outweigh the best interests of the public and the Defendant in a speedy trial as the same is specifically defined in the aforesaid Act. The Defendant states further that the factors to be considered in this motion in making the findings requested are included in the aforesaid Act in Section 3161, paragraph (h).

The Defendant, JOSEPH P. KARPOWICZ, requests the continuance for the following reason:

The Defendant requests a continuance of 45 days so that he may continue to obtain significant restitution to provide to the victim in this case. Additionally, the Defendant requests the continuance to exercise the right to effective assistance of counsel as guaranteed by the 6th Amendment to the United States Constitution.

Defendant certifies that the reason for the request does not include general congestion of the Court’s calendar, or lack of diligent preparation on the part of the parties involved.


Defendant’s counsel, Stephen Foster, has spoken with AUSA Tom Moore, prosecutor in this action and the prosecutor is not opposed to a 45 day reset of sentencing.

WHEREFORE, Defendant respectfully requests the Court continue the sentencing.

PRAYER

Defendant Joseph Karpowicz prays this Honorable Court grant his unopposed motion for continuance for 45 days.


Respectfully Submitted,



Stephen N. Foster
State Bar No.: 24005529
FOSTER & FOSTER, P.L.L.C.
Tower Life Building, 24th Floor
310 S. Saint Mary's Street
San Antonio, Texas 78205
Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that on October 18, 2016, a true and correct copy of the above and foregoing Motion for Continuance of Sentencing for the Purpose of Obtaining Restitution was delivered to the United States Attorney's Office via CM/ECF.



Stephen N. Foster
Attorney for Defendant

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA

v.

JOSEPH P. KARPOWICZ

§
§
§
§
§

CASE NUMBER 5:16-CR-0058-XR

STATE OF TEXAS

§
§
§


COUNTY OF BEXAR

AFFIDAVIT OF STEPHEN N. FOSTER

ON THIS DAY, personally appeared Stephen N. Foster, who after being placed under oath, swore that the following facts are true:

“My name is Stephen N. Foster. I am at least 18 years of age and of sound mind. I am the attorney of record for Joseph Karpowicz. The facts and assertions in the Defendant’s Unopposed Motion for Continuance are true and correct.”

FURTHER AFFIANT SAYETH NAUGHT



Stephen N. Foster

Sworn and subscribed before me on

October 18, 2016

Alma Flores
NOTARY PUBLIC

